

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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RICHARD B. MCDONOUGH,	:	
	:	
Plaintiff,	:	
	:	
	:	
v.	:	No. 5:18-cv-02247
	:	
STATE FARM FIRE AND CASUALTY	:	
COMPANY,	:	
Defendant.	:	
	:	

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**ORDER**

**AND NOW**, this 7<sup>th</sup>, day of February, 2019, upon consideration of Plaintiff's Complaint, ECF No. 1; Defendant's Partial Motion to Dismiss for Failure to State a Claim, ECF No. 6; Plaintiff's Response to Defendant's Motion to Dismiss, ECF No. 7; and Defendant's Reply, ECF No. 8, and for the reasons set forth in the accompanying Opinion, **IT IS ORDERED** that:

1. Defendant's Partial Motion to Dismiss for Failure to State a Claim, ECF No. 6, is **GRANTED**.
2. Plaintiff is granted leave to file an amended complaint with respect to Counts I and IV **no later than February 28, 2019.**<sup>1</sup>

BY THE COURT:

*/s/ Joseph F. Leeson, Jr.*  
JOSEPH F. LEESON, JR.  
United States District Judge

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<sup>1</sup> The Court does not grant leave to amend on Count II. As a matter of law, Plaintiff's common law bad faith claim is subsumed into the breach of contract claim. Amendment to that claim would be futile.